REMARKS

The Official Action dated September 6, 2006, has been carefully considered. Consideration of the changes and remarks presented herein and reconsideration of the rejections are respectfully requested. Claims 1, 2 and 6 have been amended. Support for the amendments can be found in the specification and claims as originally filed (for example, see the specification at page 6, line 1). It is believed that these changes do not involve any introduction of new matter, and thereby entry is believed to be in order and is respectfully requested. Claims 1-10 remain in the application for consideration.

Applicants wish to thank the Examiner for acknowledgement of the Applicants' claim to priority under 35 U.S.C. §119(b) of European Application No. 00870254.0 filed on October 31, 2000, European Application No. 01870013.8 filed on January 19, 2001, and European Application No. 01870012.0 filed on January 19, 2001. Applicants have ordered a certified copy of each of European Application Nos. 00870254.0, 01870013.8, and 01870012.0 and will submit the copies with a Supplement Response when received.

In the Official Action, claims 1-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Metzger-Groom (U.S. Patent No. 6,358,911). The Examiner asserts that Metzger-Groom teaches a detergent tablet containing a compressed portion and a non-compressed portion, wherein the compressed portion may be prepared having a plurality of moulds filled with different non-compressed portions. Moreover, the Examiner contends that Metzger-Groom discloses that the compressed portion includes a composition having surfactants, perfumes, fabric softening agents and builders and that the surfactants can be nonionic and anionic surfactants. With respect to particle size, the Examiner asserts that Metzger-Groom teaches that the particle size of the component depends on kinetics and composition, but that it is desirable to have the particle size more than 500 micrometers and less than 1200 micrometers. Moreover, with respect to the pouch, the Examiner contends that Metzger-Groom discloses that the compositions might be dispensed in a bag or pouch.

The Examiner finally asserts that Metzger-Groom discloses all that is instantly required and is considered anticipatory, however, in the alterative, that the compositions of Metzger-Groom are silent with respect to the particles floating in deionized water. The Examiner contends that it would have been obvious for the particles of the composition of

Metzger-Groom to float in deionized water because the compositions encompass the particle size of the particulate material and include similar benefit agents for the purpose of producing a compressed tablet in a pouch.

However, as will be set forth in detail below, it is submitted that the detergent compositions set forth in claims 1-10 are not anticipated by nor obvious over and are patentably distinguishable over Metzger-Groom. Accordingly, these rejections are traversed and reconsideration is respectfully requested.

As noted by the Examiner, Metzger-Groom appears to teach a detergent tablet including a compressed portion and a non-compressed portion wherein the compressed portion is prepared using a compression pressure of greater than 6.3 KN/cm^2. Thus, Metzger-Groom fails to teach or suggest a shaped detergent composition compressed at a force of not more than 750 N/cm^2 as recited in independent claim 1, from which claims 2-10 depend. Rather, Metzger-Groom teaches a tablet compressed at a pressure of greater than 6300 N/cm^2 (see col. 12, lines 1-3). Rejection for anticipation or lack of novelty requires, as the first step in the query, that all elements of the claimed invention be described in single reference. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989), *cert. denied*, 493 U.S.P.Q.853 (1989). Therefore, Metzger-Groom fails to teach the shaped detergent compositions as defined in the present claims. Accordingly, Applicants respectfully request reconsideration and allowance of claims 1-10.

Moreover, references relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). As noted above, Metzger-Groom fails to teach a shaped detergent composition compressed at a force of not more than 750 N/cm^2. Moreover, it would not have been obvious to modify the teachings of Metzger-Groom because the compressed portion of the tablet of Metzger-Groom is prepared using a modified tablet press to prepare a mold to receive the non-compressed portions (col. 12, lines 6-10), whereas the present invention utilizes relatively low forces to enable the detergent compositions to disintegrate quickly (see specification at page 6, lines 3-4). Thus, one skilled in the art would not be motivated to modify the teachings of Metzger-Groom where it is taught that it is necessary to utilize such force in order to produce the disclosed tablet. As such, Metzger-Groom fails to teach or suggest a shaped detergent composition as recited in independent claim 1.

In the Official Action, claims 1-10 were rejected under 35 U.S.C. § 102(a) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Whitaker et al (WO 00/43488). The Examiner asserts that Whitaker et al disclose a detergent tablet or multiphase tablet for use in machine washing and having particles such as polymeric disintegrants having 90% of the particle size above 0.075 mm and that the compressed portion of the multiphase tablet is compressed with a force of at least about 250 Kg/cm^2. Moreover, the Examiner contends that Whitaker et al disclose the inclusion of one or more surfactants such as alkyl benzene sulfonates and alkyl sulfates in an amount from 0.2-30% by weight and chelating agents. The Examiner also asserts that Whitaker et al disclose the use of soil release polymer, cationic softening agents and other adjunct materials and that the composition is dispensed with a flexible container such as a bag, pouch or water-soluble enclosure.

The Examiner finally asserts that Whitaker et al disclose all that is instantly required and is considered anticipatory, however, in the alterative, the Examiner contends that it would have been obvious for the particles of the composition of Whitaker et al to float in deionized water because the compositions encompass the particle size of the particulate material and include similar benefit agents for the purpose of producing a compressed tablet in a pouch.

However, as will be set forth in detail below, it is submitted that the detergent compositions set forth in claims 1-10 are not anticipated by nor obvious over and are patentably distinguishable over Whitaker et al. Accordingly, these rejections are traversed and reconsideration is respectfully requested.

Once again, rejection for anticipation or lack of novelty requires, as the first step in the query, that all elements of the claimed invention be described in single reference. Whitaker et al fail to teach a shaped detergent composition compressed at a force of not more than 750 N/cm^2. Whitaker et al disclose a detergent tablet compressed under a pressure at least about 250 kg/cm^2 (2.45 KN/cm^2 or 2450 N/cm^2). As such, Whitaker et al fail to teach the shaped detergent compositions as defined in the present claims. Accordingly, Applicants respectfully request reconsideration and allowance of claims 1-10.

Moreover, references relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure. As noted above, Whitaker et al fail to teach a shaped detergent composition compressed at a force of not more than 750 N/cm^2. Moreover, it

would not have been obvious to modify the teachings of Whitaker et al because the multiphase tablet as taught in Whitaker et al has a shaped body in the first phase prepared at the applied compression pressure of at least about 250 kg/cm^2 (2.45 KN/cm^2) (page 4, lines 18-20), whereas the present invention utilizes relatively low forces to enable the detergent compositions to disintegrate quickly (see specification at page 6, lines 3-4). Moreover, as suggested by the present specification, conventional multiphase tablets (such as those taught in Whitaker et al) utilize a compression force sufficient to bind the first and second compositions together, thus resulting in a tablet with a slower rate of dissolution (see specification at page 2, lines 12-14), which ultimately teaches away from the present invention. As such, Whitaker et al fail to teach or suggest a shaped detergent composition as recited in independent claim 1.

Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,846,795 and claims 1-14 of U.S. Patent No. 6,974,789. Applicants will evaluate the filing of a terminal disclaimer over U.S. Patent Nos. 6,846,795 and 6,974,789 upon an indication of allowable subject matter.

It is believed that the above amendments and remarks represent a complete response to the rejections under 35 U.S.C. §§ 102 and 103, and the judicially created doctrine of obviousness-type double patenting, and as such, place the present application having claims 1-10 in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

Clayton L. Kuhnell

Clayton L. Kuhnell
Reg. No. 48,691
Attorney for Applicants
DINSMORE & SHOHL LLP
1900 Chemed Center
255 E. Fifth Street
Cincinnati, Ohio 45202
(513) 977-8377

1337886v1